

REMARKS

Claims 14-17, 19-29, and 31 are pending in the present application. Claims 14 and 19 have been amended to focus the scope of the claims to polymers containing the recited comonomers in the backbone of the polymer. Reexamination of the application and reconsideration of the rejections and objections are respectfully requested in view of the above amendments and the following remarks, which follow the order set forth in the Office Action.

Substance of the Interview

Applicants thank Examiner Schlientz for a helpful and productive telephone interview with Applicants' representative on October 12, 2010. Examiner Schlientz explained that an amendment to claim 14 such that the at least one N-vinylamide-based copolymer "consists of" monomer units (i), (ii), and (iii) would exclude any monomer units not within the scope of monomer units (i), (ii), and (iii). Thus, the acryloyldimethyltaurine and/or acryloyldimethyltaurate required in Morschhauser would be excluded, and the amended claims would patentably distinguish over Morschhauser. Applicants have amended claims 14 and 19 in conformance with the suggestion made by Examiner Schlientz. Accordingly, Applicants submit that amended claims 14-17, 19-29, and 31 are in condition for allowance.

Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter because the specification at page 15, lines 12-32 discloses monomer units present in "mol%" rather than "weight%". Applicants note that originally filed claim 6 recited monomer units in "weight%". Originally filed claim 6 read as follows:

A copolymer as claimed in any of the preceding claims, which comprises
(i) 99 to 60 weight% of monomer units (i);
(ii) 1 to 30 weight% of monomer units (ii); and
(iii) 0 to 10 weight% of monomer units (iii).

Additionally, in the original specification at pages 35 and 36, in Reference Examples 1 and 2, the monomer units are disclosed as "weight%". Based on the foregoing, Applicants seek to amend the specification at page 15, lines 12-32 to replace "mol%" with "weight%". Applicants submit

that original claim 6 and Reference Examples 1 and 2 provide support for such amendment. The amendment to the specification would render the objection to the specification moot. Accordingly, Applicants respectfully request entry of the amendment and withdrawal of the instant objection.

Rejections under 35 U.S.C. § 103

Claims 14-17, 19-29, and 31 were rejected under 35 U.S.C. §103(a) as being obvious over Morschhäuser et al. (US 6,964,995) (“Morschhäuser”) in view of Narayanan et al. (WO 99/37285) (“Narayanan”). Applicants traverse the rejection.

In a reply to a previous Office Action, Applicants argued that the polymers disclosed and claimed in the present application were structurally different from the polymers taught by combination of the references because the later polymers are grafted onto an additive polymer whereas the claimed copolymers are not. In response to Applicant’s argument, the Office Action asserted

the references fail to show certain features of applicant’s invention, it is noted that the features upon which the applicant relies (i.e., specific structural difference when compared to Morschhäuser et al.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims

Office Action, page 6. To expedite the prosecution of the application, Applicants have amended independent claim 14 such that the distinguishing features that the Examiner referred to are recited in the claims. Specifically, claim 14 recites that copolymers “consisting of” N-vinylamide monomer, ester of an ethylenically unsaturated carboxylic acid monomer, and the additional co-monomer (i.e., (meth)acrylamide, (meth)acrylonitrile, alkyl (meth)acrylates or alkyl vinyl ethers) form the backbone of the N-vinylamide-based copolymer. Conversely, Morschhäuser in combination with Narayanan discloses co-monomers grafted onto a polymeric additive having reactive sites. Thus, unlike the copolymers recited in amended claim 14, the copolymers taught by Morschhäuser in combination with Narayanan form side chains on the polymeric additive. Moreover, amended claim 14 uses the transitional term “consisting of” and

thus cannot contain a polymeric additive on which the copolymers are grafted as required by Morschhäuser in combination with Narayanan.

Furthermore, amended claim 14 recites a copolymer consisting of monomer of N-vinylamide, monomer of an ester of an ethylenically unsaturated carboxylic acid, and an additional co-monomer selected from the group consisting of (meth)acrylamide, (meth)acrylonitrile, alkyl (meth)acrylates and alkyl vinyl ethers. As such, amended claim 14 does not cover N-vinylamide copolymers that comprise acryloyldimethyltaurine or acryloyldimethyltaurate. Conversely, Morschhäuser copolymers require the presence of acryloyldimethyltaurine and/or acryloyldimethyltaurate. *See*, ¶¶ [0008]-[0019] of Morschhäuser. Therefore, Morschhäuser in combination with Narayanan cannot render obvious a copolymer that does not contain the mandatory ingredients in Morschhäuser, i.e., acryloyldimethyltaurine and/or acryloyldimethyltaurate. *Id.* Based on the foregoing, the combination of Morschhäuser and Narayanan does not render the composition of claim 14 obvious. Applicants therefore respectfully request reconsideration and withdrawal of the rejection.

Claims 15-17, 19-29, and 31 depend from claim 14. As such, for the same reasons discussed above for claim 14, claims 15-17, 19-29, and 31 are also unobvious over Morschhäuser in combination Narayanan. Applicants therefore respectfully request reconsideration and withdrawal of the rejection.

For the foregoing reasons, claims 14-17, 19-29, and 31 are considered to be allowable. A Notice to this effect is respectfully requested. If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

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The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

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